

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 02 - DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701-0790

02-0601-0501, Rules Governing the Pure Seed Law. Increases germination fees by an average of \$3.85, purity fees by an average of \$5.05, and tetrazolium fees by an average of \$16.45. Increases the rush fee from \$20 to \$25. Increases the hourly fee from \$38.50 to \$40. Increases the Out-of State Seed Dealer's License from \$250 to \$350. Comment by: 8/24/05.

IDAPA 08 - IDAHO STATE BOARD OF EDUCATION PO Box 83720, Boise, ID 83720-0037

08-0203-0501, Rules Governing Thoroughness. Achievement Standards, currently in the rule, will be deleted from rule, placed in a manual, and incorporated by reference into the rule. Comment by: 8/24/05.

08-0203-0502, Rules Governing Thoroughness. Allows Limited English Proficient (LEP) students to take the ISAT with accommodations and adaptations until they test proficient on a language proficiency test and exit the program. Comment by: 8/24/05.

08-0203-0503, Rules Governing Thoroughness. Adds the National Assessment Governing Board (NAGB) 12th grade National Assessment of Educational Progress (NAEP) test as a requirement. Comment by: 8/24/05.

IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR PO Box 8372, Boise, ID 83720-0093

09-0104-0501, Rules of the Benefit Payment Control Bureau. Reflects housekeeping and name changes due to the reorganization of the department. Comment by: 8/24/05.

09-0130-0501, Rules of the Benefit Bureau. Renames chapter to "Unemployment Insurance Benefits Administration Rules". Comment by: 8/24/05.

09-0130-0502, Rules of the Benefit Bureau. Requires interstate claimants to register for work in the State in which they reside. Requires registration for work, and report on work-seeking activity. Comment by: 8/24/05.

09-0130-0503, Rules of the Benefit Bureau. Amends citation of the Department's rulemaking authority. Changes references to "Job Service" to "local office" or "Department." Requires claimants to register for work with a local office. Deletes "length of unemployment" as a criteria for determining the category of work-seeking activity. Comment by: 8/24/05.

09-0130-0504, Rules of the Benefit Bureau. Gives claimant 2 business days if notified by phone, or 5 business days if notified by mail to provide proof of identity, before benefits may be denied. Comment by: 8/24/05.

09-0130-0505, Rules of the Benefit Bureau. Clarifies that State government and cost reimbursement employers are included in the total wages paid in covered employment. Comment by: 8/24/05.

09-0130-0506, Rules of the Benefit Bureau. Changes references for reestablishing eligibility for benefits from 12 times to 14 times the weekly benefit amount. Comment by: 8/24/05.

09-0130-0507, Rules of the Benefit Bureau. Incorporates the changes in the statute, Clarifies term “compelling personal circumstances”. Comment by: 8/24/05.

09-0135-0501, Rules of the Employer Account Bureau. Provides uniformity in the application of the compromise provision. Comment by: 8/24/05.

09-0135-0502, Rules of the Employer Account Bureau. Brings professional employer organizations (PEOs) under the same guidelines already established for other entities. Comment by: 8/24/05.

09-0135-0503, Rules of the Employer Account Bureau. Reflects housekeeping and name changes due to the reorganization of the Department's tax and benefit overpayment bureaus. Comment by: 8/24/05.

09-0135-0504, Rules of the Employer Account Bureau. Clarifies that interest on civil penalties and civil penalties imposed will be paid after tax interest, tax penalty and tax have been paid for each calendar quarter. Comment by: 8/24/05.

09-0135-0505, Rules of the Employer Account Bureau. Adds definition for “casual labor”. Clarifies the application of the casual labor exemption. Comment by: 8/24/05.

09-0135-0506, Rules of the Employer Account Bureau. Provides online registration as a method for employer business registration reporting. Comment by: 8/24/05.

09-0135-0507, Rules of the Employer Account Bureau. Provides authority for the Department to request employer records for a variety of statutorily required investigations. Comment by: 8/24/05.

09-0135-0508, Rules of the Employer Account Bureau. Replaces the current quantitative explanation with examples of factors to be considered when determining whether the successor business is substantially the same as the predecessor business. Comment by: 8/24/05.

****09-0201-0501, Idaho Community Development Block Grant Program.** Eliminates inaccurate or redundant language and requirements. Changes the point values for ranking applications. Removes biases against project applications. Encourages applications for preferred types of projects. Allows for teleconferencing and electronic submission of information. Requires use state and federal procurement standards. Comment by: 8/24/05.

09-0203-0501, Rule of the Idaho Regional Travel and Convention Grant Program. Updates the website address and corrects clerical errors. Comment by: 8/24/05.

**IDAPA 12 - DEPARTMENT OF FINANCE
PO Box 83720, Boise, ID 83720-0031**

12-0110-0501, Rules Pursuant to the Idaho Residential Mortgage Practices Act. Establishes continuing education requirements and criteria for approving courses. Removes provisions related to trust accounts, the financial condition of licensees, and entities exempt from licensure. Amends provisions related to written disclosures. Adds provisions related to procedures and prohibited practices. Imposes a fee of \$250 for the review of applications for accreditation of course material, and a fee of \$25 for the examination of records on completion of continuing professional education courses. Comment by: 8/24/05.

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
PO Box 83720, Boise, ID 83720-0036**

16-0203-0501, Rules Governing Emergency Medical Services. Adds section outlining clinical and operational factors influencing air medical use and decision making by EMS personnel. Comment by: 8/24/05.

16-0309-0504, Rules Governing the Medical Assistance Program. Allows for Medicaid coverage of investigational medical treatments and procedures based on a medical review process. Comment by: 8/24/05.

****16-0411-0501, Rules Governing Developmental Disabilities Agencies.** This entire chapter of rules is being repealed. Comment by: 8/24/05.

****16-0411-0502, Rules Governing Developmental Disabilities Agencies.** Complete rewrite to make rules easier for staff and providers to use. Comment by: 8/24/05.

16-0505-0501, Criminal History and Background Checks in Long Term Care Settings. New chapter identifies individuals with direct patient access requiring criminal history and background checks. Comment by: 8/24/05.

16-0608-0501, Rules and Minimum Standards for DUI Evaluators. Clarifies the criteria for initial application and renewal of a license. Provides clear information on the licensure process, continuing education requirements, and statistical reporting. Comment by: 8/24/05.

IDAPA 18 – DEPARTMENT OF INSURANCE

PO Box 83720, Boise, ID 83720-0043

18-0109-0501, Senior Consumer Protection in Annuity Transactions. New chapter sets standards and procedures for recommendations to senior consumers regarding transactions involving annuity products. Comment by: 8/24/05.

18-0110-0501, Producers Handling of Fiduciary Funds. New chapter implements requirements that all insurance producers maintain a trust account to hold all fiduciary funds received by the producer. Comment by: 8/24/05.

18-0118-0501, Producers Handling of Fiduciary Funds. Changes listing of lines of insurance considered to be “open lines” for purposes of treatment as surplus lines insurance. Replaces outdated or unnecessary wording. Comment by: 8/24/05.

IDAPA 35 - IDAHO STATE TAX COMMISSION

PO Box 36, Boise, ID 83722-0410

35-0103-0502, Idaho Property Tax Administrative Rules. Clarifies references and definitions. Provides consistency. Comment by: 8/24/05.

IDAPA 36 - IDAHO BOARD OF TAX APPEALS

PO Box 83720, Boise, ID 83720-0088

36-0101-0501, Idaho Board of Tax Appeals Rules. Eliminates third party non-attorney representation before the Board. Comment by: 8/24/05.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

1410 N. Hilton, Boise, ID 83706-1255

****58-0101-0503, Rules for the Control of Air Pollution in Idaho.** Defines “Regulated Air Pollutant”. Clarifies permit requirements for consistency with federal Clean Air Act (CAA) requirements. Comment by: 9/7/05.

****58-0101-0505, Rules for the Control of Air Pollution in Idaho.** Updates citations to federal regulations incorporated by reference. Corrects reference in rule. Comment by: 9/7/05.

****58-0101-0506, Rules for the Control of Air Pollution in Idaho.** Revises definitions to provide consistency between the major and minor air quality permitting programs. Allows for the transfer of permit to construct and Tier II operating permits. Comment by: 9/7/05.

58-0105-0501, Rules and Standards for Hazardous Waste. Annual update to maintain consistency with the U.S. EPA's regulations implementing the Resource Conservation and Recovery Act (RCRA). Comment by: 8/31/05.

58-0113-0501, Rules for Ore Processing by Cyanidation. Implements the legislative changes to Idaho Code with respect to bonding, closure plans, and time frames for rejecting or approving permits for ore processing facilities using cyanide. Comment by: 8/31/05.

58-0117-0501, Wastewater-Land Application Permit Rules. Modifies and clarifies existing water quality limits and other requirements for the various classes of municipal reclaimed wastewater. Adds and clarifies various definitions. Renames chapter to “Rules for the Reclamation and Reuse of Municipal and Industrial Wastewater”. Comment by: 8/

31/05.

58-0117-0502, Wastewater-Land Application Permit Rules. Allows public participation for the permitting process. Increases the number of days the director has to issue a final permit after the issuance of a draft permit from 30 to 60. Decreases the number of days the director has to make an application completeness determination from 60 to 30. Allows for additional information or consultation between the applicant and the Department. Comment by: 8/31/05.

****A Public Hearing Has Been Scheduled for the Following Rulemaking:**

Dept. of Commerce and Labor

09-0201-0501, Idaho Community Development Block Grant Program.

Dept. of Health and Welfare

16-0411-0501, Rules Governing Developmental Disabilities Agencies.

16-0411-0502, Rules Governing Developmental Disabilities Agencies.

Dept. of Environmental Quality

58-0101-0503, Rules for the Control of Air Pollution in Idaho.

58-0101-0505, Rules for the Control of Air Pollution in Idaho.

58-0101-0506, Rules for the Control of Air Pollution in Idaho.

Please refer to the Idaho Administrative Bulletin, **August 3, 2005, Volume 05-8** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact information.

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